

Standing Committee on Finance and Public Administration

ANSWER TO QUESTION ON NOTICE

Finance and Administration Portfolio
Department of Finance and Administration
Budget Estimates Hearing – May 2007

Question: F56

Outcome 2, Output 2.1.2

Topic: Comcover

Written Question on Notice

Senator Faulkner asked:

What costs have been incurred by Comcover in relation to the case of Mr Trent Smith?

Such costs to be itemised by purpose (eg: provision of legal advice) and listed chronologically.

Answer:

This case involves important principles in the application of the Australian Public Service (APS) Values and the APS Code of Conduct. These principles have relevance for the APS as a whole.

Mr Trent Smith has challenged Department of Foreign Affairs and Trade's (DFAT) decision to terminate his employment and is seeking reinstatement. DFAT is opposing Mr Smith's application on the basis that the termination processes were lawful and appropriate.

As DFAT's insurer Comcover has met DFAT legal services costs. The table below provides information about Comcover payments to legal service providers for work performed up to and including the end of March 2007. The case is ongoing.

<i>Payment Date</i>	<i>Amount (incl GST)</i>	<i>Purpose</i>
23/11/2006	\$12,335.71	Advising on Federal Court and AIRC processes; preparing for and attending a conciliation conference on 21/08/2006.
23/11/2006	\$6,045.16	Advising and preparing for second conciliation conference on 21/09/2006.
20/12/2006	\$8,106.45	Advising on and preparing for AIRC arbitration.
02/03/2007	\$18,429.31	Preparing for AIRC arbitration, including witness statements, other documents, and attending directions hearing.
23/04/2007	\$24,997.50	Counsel fees.
01/05/2007	\$14,597.55	Further preparation for arbitration including further

Standing Committee on Finance and Public Administration

ANSWER TO QUESTION ON NOTICE

Finance and Administration Portfolio

Department of Finance and Administration

Budget Estimates Hearing – May 2007

<i>Payment Date</i>	<i>Amount (incl GST)</i>	<i>Purpose</i>
		directions hearing.
21/05/2007	\$55,231.46	Further preparation for arbitration hearing.
06/06/2007	\$13,423.85	Preparations for a directions hearing.
<i>TOTAL</i>	<i>\$153,166.99</i>	